

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2000-284-T

IN RE:

Application of Tyrone Miller d/b/a Image)	MOTION FOR IMMEDIATE
Limousine & Transportation for a Class C)	SUSPENSION OF CHARTER
(Charter) Certificate of Public Convenience)	CERTIFICATE
and Necessity for Operation of Motor)	
Vehicle Carrier)	
)	

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2006).

2. That the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

3. Tyrone Miller d/b/a Image Limousine & Transportation (hereinafter “Image Limo” or “company”) is currently operating as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2006) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the

business of transporting persons or property for compensation over improved public highways in this state.

4. That Image Limo is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp. 2006); further, that Image Limo has submitted itself to the jurisdiction of the Commission by holding a Charter Certificate as indicated in Attachment A. See Attachment A, Charter Certificate issued by the ORS to Image Limo on May 4, 2007.

5. That the ORS has been informed and believes that Empire Fire and Marine Insurance Company cancelled the motor carrier insurance policy of Image Limo effective August 2, 2007. See Attachment B, Form K.


6. That as a result of the receipt of the Form K, the ORS contacted Image Limo requiring that the company provide evidence of insurance to the ORS within thirty (30) days as Tyrone Miller d/b/a Image Limousine & Transportation would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2006) on August 2, 2007. See Attachment B, Form K and Attachment C, Certified Letter of George Parker and Attachment D, Affidavit of Carole Chauvin.

7. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Charter Certificate. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2006) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code

Regs. 103-240 (Supp. 2006) provides in relevant part that "this rule (providing for notice an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an existing order granting operating rights **without hearing** where certain conditions exist." (emphasis added).

8. That such continued operation by Image Limo without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to customers of the Company and the general public, who would be unaware of Image Limo's lack of insurance.

WHEREFORE, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2006), the Charter Certificate, Number 6947-C, of **Tyrone Miller d/b/a Image Limousine & Transportation** (issued under Order No. 2007-268 in Docket 2000-284-T) **until such time as the carrier evidences that it has complied with the insurance requirements of this Commission or the carriers certificate of public convenience and necessity has been permanently revoked** and for such other appropriate action which the Commission may deem necessary and proper.


Shealy Boland Reibold, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, SC 29201

September 10, 2007
Columbia, SC

*Office of Regulatory Staff
Columbia, South Carolina*



PSC Docket No. 2000-284-T
PSC Order No. 2007-268
ORS Certificate No. 6947-C

CLASS C CHARTER

**Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS**

NAME: TYRONE MILLER DBA IMAGE LIMOUSINE & TRANSPORTATION
ADDRESS: 2176 SAVANNAH HIGHWAY SUITE 20, CHARLESTON, S.C. 29414

is hereby authorized, pursuant to the order of the Public Service Commission of South Carolina, to furnish passenger service by means of motor propelled vehicles as follows:

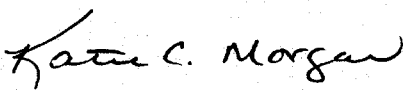
**BETWEEN POINTS AND PLACES IN SOUTH CAROLINA,
RESTRICTED TO: FIFTEEN (15) PASSENGERS.**

THIS CERTIFICATE is issued upon finding by the Public Service Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 – 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 4th day of MAY A.D., 2007.

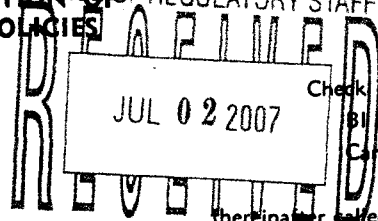


Katie C. Morgan, Director
Transportation, Telecommunications
Water/Wastewater

FORM K
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER INSURANCE POLICIES

(EXECUTED IN TRIPLICATE)

OFFICE OF REGULATORY STAFF



Filed with Public Service Commission of South Carolina
(NAME OF COMMISSION) (thereinafter called Commission)

This is to advise that under the terms of a policy or policies issued to:

Tyrone Miller dba Image Limousine & Transportation
(NAME OF MOTOR CARRIER)

of 2176 Savannah Hwy, #120, Charleston, SC 29414
(ADDRESS OF MOTOR CARRIER)

by Empire Fire and Marine Insurance Company
(NAME OF COMPANY)

of 13810 FNB Parkway, Omaha, NE 68154
(ADDRESS)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 2nd day of August, 192007, 12:01 A. M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. CL984319
(POLICY NUMBER)

Douglas W. Ferguson
(SIGNATURE OF INSURER)



KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 2, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tyrone Miller DBA
Image Limousine & Transportation
2176 Savannah Hwy., Ste. 120
Charleston, SC 29414

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:

Pursuant to S.C. Code Regulation 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance. The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Public Liability and Property Damage Insurance Policy No CL984319
Issued by:	Empire Fire and Marine Insurance Company
Will be:	<u>CANCELLED EFFECTIVE 08/02/07 at 12:01 a.m.</u>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage (FORM E) with the Office of Regulatory Staff prior to the above listed cancellation date. Proof of insurance can be mailed or faxed to:

S.C. Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211

Fax: 803-737-0815

****IMPORTANT** **IMPORTANT** **IMPORTANT****

If you have renewed your insurance with the same company or changed insurance companies, please contact our office to see if your insurance company has submitted a current Form E.

If you receive this letter and your company is no longer in business, please contact the Transportation Department at 803-737-0800 and request a Cancellation of Certificate Form.

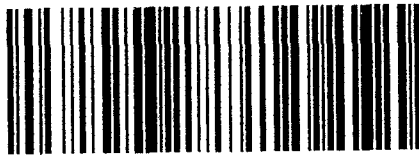
If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date. Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803-737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

State of South Carolina
Office of Regulatory Staff
Box 11263
Columbia, SC 29211



7006 2760 0003 3432 5642

OFFICE OF REGULATORY STAFF

RECEIVED
AUG 06 2007

UNITED STATES POSTAGE
PITNEY BOWES
\$ 05.21
0004367136 JUL 06 20
MAILED FROM ZIP CODE 292

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7-23
7-7
LA

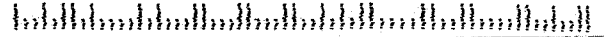
Tyrone Miller DBA
Image Limousine & Transportation
2176 Savannah Hwy Ste 100
Charleston,

NIXIE 294 SE 1 08 08/02/1

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 29211128353 *1554-21078-05-1

29414+5341101260



Trans.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tyrone Miller DBA
Image Limousine & Transportation
2176 Savannah Hwy., Ste. 120
Charleston, SC 29414

2. Article Number

(Transfer from service label)

7006 2760 0003 3432 5642

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2000-284-T

August 27, 2007

IN RE: Motion of the Office of Regulatory)	
Staff for immediate suspension of)	AFFIDAVIT OF
Certificates of Public Convenience and)	Carole Chauvin
Necessity of Certain Motor Carriers)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as an Administrative Assistant for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as Administrative Assistant for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On July 2, 2007, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of August 27, 2007:

Tyrone Miller DBA
Image Limousine & Transportation
2176 Savannah Highway, Suite 120
Charleston, SC 29414

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Administrative Assistant, Transportation Department
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, SC 29201

Sworn and subscribed before me
this 27th day of August, 2007

[Signature]

Notary Public for South Carolina

My Commission Expires: 5/3/2017

IN RE:)
Application of Tyrone Miller d/b/a Image) **CERTIFICATE OF**
Limousine & Transportation for a Class C) **SERVICE**
(Charter) Certificate of Public Convenience)
and Necessity for Operation of Motor Vehicle)
Carrier)

Tyrone Miller d/b/a Image Limousine & Transportation
2176 Savannah Highway, Suite 120
Charleston, SC 29414

September 10, 2007
Columbia, South Carolina